

**\*E-FILED 05-11-2010\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

No. CR 08-00402 RMW (HRL)

Plaintiff,

**ORDER GRANTING DEFENDANT'S  
MOTION FOR DISCOVERY**

v.

TAN MINH VO,

**[Re: Docket No. 167]**

Defendant.

Defendant Tan Minh Vo is charged with the interstate transportation of stolen goods and conspiracy to commit the same. The goods in question are over-the-counter health and beauty products allegedly stolen by a professional shoplifting ring. Pursuant to Fed. R. Crim. P. 16, Vo now moves for an order permitting his examination of certain products seized by the government, comprising some 66 pallets of shrink-wrapped boxes loaded onto five tractor trailers. The government says that it does not intend to rely upon more than a sampling of the seized goods at trial. So, although it does not object to Vo's inspection of a sampling of the goods, the government believes that defendant's inspection of each of the seized items is unnecessary and unduly burdensome. At the motion hearing, however, the government acknowledged that permitting Vo's inspection of all 66 pallets of goods would not impose a significant cost to the government. And, although Vo's requested inspection might present an inconvenience to plaintiff, this court finds that Vo has sufficiently demonstrated the materiality

1 of the requested discovery.

2 Accordingly, defendant's motion for discovery is granted as follows: The government  
3 shall (a) unload each pallet of goods Vo seeks to inspect and (b) arrange the pallets to facilitate  
4 defendant's inspection of the boxes. The government need not, however, relocate the unloaded  
5 pallets to a warehouse for Vo's inspection. Vo may remove the shrink-wrapping and inspect  
6 the contents of the boxes. Under no circumstances should any contents be removed from any  
7 box. All boxes shall remain segregated by pallet at all times.

8 SO ORDERED.

9 Dated: May 11, 2010

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12 HOWARD R. LLOYD  
13 UNITED STATES MAGISTRATE JUDGE  
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**United States District Court**

For the Northern District of California

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